

Message Text

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UNCLAS SAIGON 05831

E. O. 11652: N/ A

TAGS PINS, VS

SUBJECT: AMNESTY BILL

REF: SAIGON 5617

1. THIS MESSAGE TRANSMITS AN UNOFFICIAL EMBASSY TRANSLATION OF THE TEXT OF THE AMNESTY BILL SUBMITTED BY PRESIDENT THIEU TO THE LOWER HOUSE MARCH 26.

2. BEGIN TEXT OF " MOTIVE" (PREAMBLE): SINCE THE RECOVERY OF HER SOVEREIGNTY AND INDEPENDENCE VIET- NAM HAS PROMULGATED THREE AMNESTY LAWS; BUT THESE LAWS AMNESTY ONLY A NUMBER OF OFFENDERS AND CONVICTS WITH STRICT CONDITIONS.

SINCE THE PRESENT AMNESTY BILL AIMS AT CREATING A NATIONAL UNION ATMOSPHERE, IT HAS A VERY WIDE SCOPE OF APPLICATION, ENCOMPASSING ALL KINDS OF OFFENSES, TRIED BY ANY COURT AND PROSECUTED BY ANY THE AMNESTY SHALL BE PROMULGATED BY APRESIDENTIAL DECREE, UPON THE REQUESTS OF THE CONCERNED PERSONS. END " MOTIVE" TEXT

3. BEGIN TEXT OF BILL: PART I, ART. K 1 OFFENSES FOR WHICH PARDON IS EXTENDED: WITHIN A PERIOD OF ONE YEAR COUNTING FROM THE DAY THIS LAW IS PROMULGATED, AMNESTY MAY BE GRANTED BY PRESIDENTIAL DECREE- LAW TO ALL PERSONS WHO WERE PROSECUTED FOR OR CONVICTED OF ANY OFFENSES COMMITTED DURING THE PERIOD BEGINNING
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OCT. 26, 1955, BY ORDINARY OR SPECIAL COURTS, EXCEPT FOR THOSE ELEMENTS INVOLVED IN DIRECT OR INDIRECT COMMUNIST ACTIVITIES.

PART II, ART. 2 GENERAL PROVISIONS: THE PERSONS CONCERNED TO WHOM AMNESTY IS GRANTED IN ACCORDANCE WITH THIS LAW SHALL NOT BE ENTITLED TO AUTOMATIC REINTEGRATION TO THEIR ORIGINAL ORGANIZATION OR AUTHORIZED TO EXERCISE THEIR FORMER PROFESSION, BUT THIS DEPENDS ON THE DECISION OF THE INTERESTED AGENCIES.

ART. 3 - IN THE CASE WHERE THE INTERESTED PERSON WAS CONVICTED OF MORE THAN ONE OFFENSE, HE SHALL BE GRANTED AMNESTY IF THE PUNISHMENT SET FOR THE OFFENSE TO WHICH PARDON IS EXTENDED IS GREATER THAN OR EQUAL TO THE PUNISHMENT SET FOR OTHER OFFENSES FOR WHICH HE WAS PROSECUTED.

PART. 4- AMNESTY HAS THE EFFECT OF RENDERING THE ACT OF PROSECUTION VOID WITH REGARD TO THE OFFENSE TO WHICH PARDON WAS GRANTED. JUDGE-
MENT SHALL NOT BE IMPLEMENTED ON EITHER CORPOREAL OR FINANCIAL ASPECT.
THOSE PERSONS WHO ARE SERVING THEIR SENTENCE SHALL BE RELEASED IMMEDIATELY. AMNESTY SHALL RENDER VOID PRINCIPAL AS WELL AS AUXILIARY AND COMPLEMENTAL CHARGES.

ART. 5- THE AMNESTY IS NOT APPLICABLE TO COURTS' EXPENSES AND COSTS ADVANCED BY THE STATE.
THE AMNESTY SHALL NOT BE PREJUDICIAL TO THE RIGHTS AND INTERESTS OF THE VICTIMS OF THE OFFENDING ACTIVITIES. PRIVATE INDIVIDUALS OR THE GOVERNMENT WHOSE RIGHTS ARE ENCROACHED UPON STILL RESERVE THE RIGHT TO CLAIM FOR DAMAGES AND USE LEGAL MEASURES, EVEN IMPRISONMENT TO FORCE THE AMNESTIED PERSONS TO PAY DAMAGES. WHEN THE LAW IS PROMULGATED, IF A CASE, THOUGH AMNESTIED HAS BEEN EXAMINED BY THE CRIMINAL COURT, THE VICTIM STILL RESERVES HIS RIGHT AS PLAINTIFF TO CLAIM DAMAGES BEFORE THIS COURT AND APPLY FOR A SPECIAL JUDGEMENT ON THIS MATTER.
IN CASE OF LAWSUIT RELATED TO DAMAGES THE CRIMINAL RECORDS RELATED TO THE AMNESTIED CASES MAY BE USED IN THE PROCEEDINGS AND BOTH PARTIES MAY CONSULT THEM.

ART. 6- THE AMNESTY DOES NOT PREVENT THE CONFISCATION OF EVIDENCE AND PROPERTIES ACCORDING TO LEGAL STIPULATIONS, NOR DOES IT HAVE ANY INFLUENCE ON THE COLLECTED PUNITIVE DAMAGES NOR DOES IT EITHER ALLOW THE AMNESTIED PERSONS TO CLAIM DAMAGES FOR THEIR DETENTION.
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ART. 7- THE AMNESTY, IN ALL CASES, DOES NOT PREVENT THE FILING OF APPLICATIONS BEFORE THE COMPETENT COURT FOR A RECONSIDERATION TO CONFIRM THE INNOCENCE OF THE ACCUSED.

-45. 8- THE OFFICIALS OF ALL BRANCHES ARE FORBIDDEN TO MENTION, IN ANY JUDICIARY, POLICE OR ADMINISTRATIVE RECORD, THE PENALTIES AMNESTIED BY THIS LAW.

ART 9- THE PRIME MINISTER SHALL ISSUE A DECREE DETERMINING THE PROCEDURES OF APPLICATION OF THIS LAW.

THIS LAW SHALL BE PUBLISHED IN THE RVN OFFICIAL JOURNAL AND WILL BE EFFECTIVE FROM THE DAY OF ITS PROMULGATION. END TEXT OF BILL.

WHITEHOUSE

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